

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AMANDA MILJUS,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security

Defendant.

Case No. C06-5009RBL

ORDER REGARDING SERVICE
OF THE COMPLAINT

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on plaintiff's failure to timely service the complaint. After reviewing the balance of the record in this case, the Court finds and orders as follows:

Service of the summons and complaint must be made within 120 days after filing of the complaint. Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 4(m). Failure to properly serve the summons and complaint within this time frame may result in the dismissal of this case without prejudice. Id. Fed. R. Civ. P. 4(m) further provides in relevant part as follows:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

1 On January 9, 2006, plaintiff filed her complaint. (Dkt. #1). It thus has been more than 120 days
2 since plaintiff filed her complaint. To date, however, it does not appear plaintiff has served that complaint
3 on defendant. Accordingly, plaintiff shall serve the complaint on defendant and file proof of such service
4 with the Court by **no later than July 6, 2006**, or show cause why this matter should not be dismissed for
5 failure to prosecute.

6 The Clerk is directed to send a copy of this Order to plaintiff.

7 DATED this 6th day of June, 2006.

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11 Karen L. Strombom
12 United States Magistrate Judge
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